

REMARKS**I. Status of the Claims:**

Claims 26-31 and 50-75 are currently pending in the application.

By this Amendment, claims 26, 27, 29-31, 50, 52 and 56-57 have been amended, and new claim 76 has been added. Upon entry of this Amendment, claims 26-31 and 50-76 would still be pending. No new matter has been introduced by this Amendment. Thus, entry and consideration of this Amendment are respectfully requested.

II. Rejections Under 35 U.S.C. §103:

Claims 26-31 and 50-75 are rejected under 35 U.S.C. §103 as being unpatentable over Slik et al. (USP 5,809,145) in view of either Grundy (USP 5,291,598) or Richardson (USP 5,490,216).

Claim 26, as amended, is directed a system for the distribution on demand of digital information in the form of software on *a physical media*, i.e. for the distribution of *physical products* in the form of software media. As recited, the system includes a local mass data store, and a local unit having input means for input of a request for a selected software product and output means for issue of a product release request. The system also has a remote licensing control centre responsive to the product release request to issue a unique release code, and a local control unit responsive to the unique release code to sanction and control production of the selected software product. Finally, the system has a local media generator for producing and a local packaging generator for packaging the physical end product.

Thus, the claimed arrangement of claim 26 is concerned with *a manufacturing facility for physical software products*, and in particular one which does not require physical storage space for storing and carrying all the physical products until they are actually sold.

As further provided in new dependent claim 76 (which depends from claim 26), the input means may further receive a request for adding to the selected product personalised customer information, and the output means may supply data representing the personalised customer information. The local control unit is then responsive to such data to control application of the personalised information to the selected product, and the local media generator is arranged to generate the selected product with the personalised customer information added to it.

It is respectfully submitted that the cited references are directed to completely different systems and applications from the claimed arrangements, and do not disclose or suggest, individually or in combination, the arrangement of amended claim 26 or claim 76.

Specifically, Slik discloses a system for distributing digital data but this system is in no way concerned with the manufacture and production of a physical end product. Rather, Slik envisages customers browsing and searching data sets, and then downloading selected data sets directly onto the hard drives of their own computers (see column 6, lines 55 to 58). Consequently, Slik is silent as to any local media and packaging generators for providing a packaged physical software product.

Furthermore, as acknowledged by the Examiner, Slik also contains no disclosure of any means for including personalised customer information in the downloaded data sets, still less of any means for including personalised customer information in a packaged physical software product. There is no need for any such arrangement in Slik et al because this reference concerns a conventional electronic distribution arrangement in which individual end users simply download information from the Internet.

Turning to Grundy, this reference concerns a system for controlling the use of information in the form of a software product, but it is to be emphasized that in Grundy the software product is merely *information or data*. According to Grundy, the user will previously have obtained a disc containing the software product, and the Grundy system controls the extent to which the software can be operated on the user's personal computer. This is described in column 4, lines 21 to 26, and column 4, lines 27 to 63. Thus, Grundy is not concerned with a manufacturing system for physical software products and with the control of such manufacture, but rather with controlling the use of a previously purchased program. Furthermore, Grundy also contains no disclosure of personalised customer information.

Finally, Richardson concerns a system for software registration, in order to ensure that a software product can run on a particular platform if and only if an appropriate licensing procedure has been followed (see column 2, lines 52 to 55). Again, Richardson is in no way concerned with the manufacture of a physical end product in the form of packaged software media for sale. Likewise, Richardson contains no disclosure of the application of personalised customer information to such a physical end product.

Thus, none of the cited references discloses or suggests, or is in any way concerned with, the production of a physical end product as in claim 26. Furthermore, none of the cited references discloses or suggests the application of personalised information to such a physical end product, as in claim 76.

Accordingly, it is respectfully submitted that new claim 76 and amended claim 26 and its other dependent claims are patentably distinguishable over the cited references, individually or in combination. For similar reasons, claim 50 and its dependent claims are also patentably distinguishable over the same.

CONCLUSION

Based on the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4267-4000.

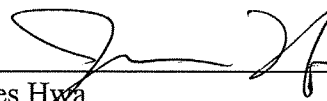
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4267-4000.

Respectfully submitted,
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Dated: _____

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By: _____



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